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FOX ROTHSCHILD LLP
P O BOX 592
112 NASSAU STREET
PRINCETON, NJ 08542-0592

EXAMINER
BELOUSOV, ANDREY

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/552,639	COLE, DAVID JOHN
	Examiner	Art Unit	
	ANDREY BELOUSOV	2174	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 October 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/07/2005</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____

DETAILED ACTION

This action is responsive to the original filing of October 7, 2008. Claims 1-24 are pending and have been considered below.

Claim Objections

1.   Claims 1 and 23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

2.   Claims 5, 8, 9, 14 and 23 objected to because of the following informalities:

      a.   Claim 5 includes an acronym GUI, without an initial definition.

      b.   Claim 8, element (e) appears to end with a period, and not a semicolon.

      c.   Claim 9, element (n) includes an acronym GOP, without an initial definition.

      d.   Claim 9 appears to contain a typographical error in element (o).

      e.   Claim 14 appears to contain a typographical error ("minimised.")

      f.   Claim 23 appears to depend on itself, and has prior antecedent basis issues with regard to "the software" and "the further software."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 9 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

5.   Regarding claim 9, the phrase "for example" renders the claim indefinite because

it is unclear whether the limitation(s) following the phrase are part of the claimed

invention. See MPEP § 2173.05(d).

6.   Regarding claim 18, the phrase "such as" renders the claim indefinite because it

is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-12 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated

by Snook (6,400,378.)

Claim 1, 22, 23: Snook discloses a method of enabling an application program running

on an electronic device (personal computer, 2:27-30, Fig. 1:100) to manipulate media

(video clips), comprising the step of

a. generating and displaying a video window (Clip viewer, Fig. 9) associated with the application program (Fig. 2: 240);

b. characterized in that media manipulation tools (Fig. 3; 5:14-29), enabling an end-user to manipulate the media (1:19-48, trim clips, insert, combine, etc.), are generated and deployed (e.g. rendered as shown in Fig. 3) for any application program (e.g. Sony Home Movie Editor, Fig. 2: 240) running on the device for which an associated video window can be generated (such as a sole application, Sony Home Movie Editor, running on the personal computer, Fig. 1: 100.)

Claim 2: Snook discloses the method of Claim 1 in which the user interface components associated with the media manipulation tools are rendered in or adjacent to the video window (Fig. 7.)

Claim 3: Snook discloses the method of Claim 1 in which the visual appearance and/or function of some or all elements of the media manipulation tools are the same across all the application programs for which an associated video window can be generated (in a case of a sole application, Sony Home Movie Editor, running on the personal computer, Fig. 1: 100, the media manipulation tools would be the same.)

Claim 4: Snook discloses the method of Claims 1-3 in which the media manipulation tools make use of a streaming media architecture that is common across all of the application programs (10:32-33.)

Claim 5: <u>Snook</u> discloses the method of Claim 1 in which the media manipulation tools are generated and deployed by a system that comprises:

a. a device independent media manipulation layer (Fig. 2: 230); and

b. a device independent insulation layer below the media manipulation layer to insulate the media manipulation layer from a device specific media handling or streaming media subsystem (Fig. 2: 210);

c. a device GUI abstraction layer above the media manipulation layer to insulate the media manipulation layer from the display characteristics of the specific device (Fig. 2: 240.)

Claim 6: <u>Snook</u> discloses the method of any preceding claim in which the media manipulation tools perform one or more of the following manipulations: editing; trimming; annotating, seeking, selecting effects; transitions; re-ordering; publishing; still extraction, vector graphic alteration; create storyboard (Abstract.)

Claim 7, 24: <u>Snook</u> discloses the method of any preceding claim in which the device is a personal computer, a television decoder box, a personal video recorder, a personal digital assistant, a mobile telephone, a smart-phone or a video kiosk (Fig. 1: 100.)

Claim 8: <u>Snook</u> discloses the method of any preceding claim in which the device is programmed with one or more of the following components to generate, deploy, display or operate the media manipulation tools:

    a. a software component that implements a cache for portions of a media file in the memory of the client machine;

    b. a software component that implements a process equivalent to a state machine, whose transitions guide a user through a sequence of interactions with a graphical user interface (GUI);

    c. a software graphics component of a GUI, that implements visual feedback to a user of the current state;

    d. a software graphics component of a GUI, that implements a visual metaphor that provides a user with an intuitive understanding of the operation of the GUI;

    e. a software graphics renderer component that allows combination and/or overlay of graphical data for a GUI with pixels that are decoded from the video part of the media file and rendered into the video window;

    f. a software component that implements an export of a processed media to memory (8:63-67);

    g. a software component that implements the ability to read a description file(s) and construct playback in accordance with set instructions, or write such instructions from a current playback;

    h. a software component of a GUI that allows labels or triggers of various types to

        be added to significant parts of the media tile in order to identify them as such

        and/or to enable seeking to these significant parts.

Claim 9: <u>Snook</u> discloses the method of any preceding claim wherein the media

manipulation tools allow meta data to be added to significant parts of a media file, the

meta data comprising one or more of:

    a. timecode

    b. logo bit map (for example a broadcast station logo)

    c. logo marker

    d. captioning (closed caption text)

    e. shot-change

    f. video description data

    g. audio description data

    h. user-inserted bookmarks

    i. client-targeted information and advertising

    j. digital rights management data

    k. watermark data

    l. conformance data

    m. edit-in and edit-out points (3:11-21; 3:54-4:11; 7:59-8:16)

    n. GOP boundaries

    o. Storyboarding

Claim 10: <u>Snook</u> discloses the method of any preceding claim wherein the media manipulation tools allow triggers (single bit map image, 7:24-38) to be added to significant parts of a media file, the triggers comprising one or more of: initiate pop-up dialogue boxes, hold frames for a given duration, loop and messaging (e.g. overlay for titles, 7:24-38.)

Claim 11: <u>Snook</u> discloses the method of Claim 9 in which the device is programmed with a software decoder component that maps the meta-data contained in a media file to labels in the media file (Fig. 10; 9:42-62.)

Claim 12: <u>Snook</u> discloses the method of any preceding claim in which the device is programmed with a software agent component that maps aspects of the interactive behavior of a user (zooming, clip ordering; 3:23-32; 4:36-56) into configuration information (zoom setting, clip order; 3:23-32; 4:36-56) that modifies aspects of the behavior of the media manipulation tools.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over <u>Snook</u> in view of <u>Panarello</u> (6,289,370.)

Claim 13: <u>Snook</u> discloses the method of any preceding Claim. However, <u>Snook</u> does

not explicitly disclose further comprising the step of providing a media file that may be

selected and played by the user, which provides instruction in the use of the media

manipulation tools. <u>Panarello</u> discloses a software help system, including the step of

providing a media file that may be selected and played by the user, which provides

instruction in the use of the media manipulation tools (4:31-44.) Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made

to combine the teaching of <u>Panarello</u> with the disclosure or <u>Snook</u> so as to provide a

video file including instructions. One would have been motivated to utilize a video help

instruction file as disclosed by <u>Panarello</u> in the teaching of <u>Snook</u> as it would have been

a readily played media type in a video editing software.

Claim 14: <u>Snook</u> and <u>Panarello</u> disclose the method of any preceding claim. <u>Snook</u>

further discloses where the visual appearance of a GUI for the media manipulation tools

is sensitive to the context in which a user of the system is working, such that the visual

impact of the GUI is absent or minimized when not needed (Fig. 3: min / max / close

buttons in the top right corner of the application window, such as to allow the user to

minimize the GUI when not needed.)

11.   Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Snook in view of Panarello and in further view of Chambers (2003/0214531.)

Claim 15: Snook and Panarello disclose the method of Claim 14. However, Snook and

Panarello do not explicitly disclose where the context in which the user of the system is

working is determined by reference to the position of a screen cursor with respect to the

position of the video window, such that the GUI for the media manipulation tools is only

displayed and enabled after the cursor has been positioned over the video window.

Chambers discloses a similar method for controls where the context in which the user of

the system is working is determined by reference to the position of a screen cursor with

respect to the position of the video window, such that the GUI for the media

manipulation tools is only displayed and enabled after the cursor has been positioned

over the video window (par. 92.) Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to combine the teaching of

expanding controls as disclosed by Chambers with the disclosure of Snook and

Panarello. One would have been motivated to combine expanding controls with the

video window of Snook, so as not to clutter and save the screen real estate.

Claim 16: Snook, Panarello and Chambers disclose the method of any preceding

Claim. Snook further discloses in which the or each application program is selected

from the following list of application program types: media players, document

preparation programs, help systems, web browsers, slide preparation programs,

electronic mail programs, interactive learning applications, games programs, security

and surveillance systems, collaborative systems, computer-aided design programs (clip

player, Fig. 9.)

Claim 17: Snook, Panarello and Chambers disclose the method of any preceding

Claim. Snook further discloses in which the media manipulation tools are deployed by a

computer based system that comprises

    a. a device specific GUI abstraction layer (Fig. 2:240) and an underlying, separate

        media handling layer (Fig. 2: 210) and/or media manipulation layer;

    b. the separation enabling different devices to be deployed with different kinds of

        GUI abstraction layers so that the UI components associated with the media

        manipulation tools appear different on these different devices, but the underlying

        media handling and/or media manipulation layers are common (Fig. 2: standard

        1394.)

Claim 18: Snook, Panarello and Chambers disclose the method of any preceding

Claim. Snook further discloses in which a representation of the structure of a new media

clip generated using the media manipulation tools is generated using a mark-up

language (marking, 5:14-29; indexing, 5:54-67) such as SMIL (Synchronous Multimedia

Interchange Language).

Claim 19: <u>Snook</u>, <u>Panarello</u> and <u>Chambers</u> disclose the method of Claim 18. <u>Snook</u> further discloses in which, if an actual physical clip of the edited material is needed then the mark up language file is used to build a filter graph as a dynamic transient process which, when executed, generates an output file by decoding, cutting, and then re-encoding the media in compressed format (7:59-8:9.)

Claim 20: <u>Snook</u>, <u>Panarello</u> and <u>Chambers</u> disclose the method of any preceding Claim. <u>Snook</u> further discloses wherein the media manipulation layer is implemented as a plug-in component (Fig. 2: 235, e.g. SD Codec) to a media player.

Claim 21: <u>Snook</u>, <u>Panarello</u> and <u>Chambers</u> disclose the method of any preceding Claim. <u>Snook</u> further discloses wherein the media manipulation tools appear to be intrinsic to a media player application associated with the video window (Fig. 7, 9; 8:63-67.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174

AB
November 08, 2008